

## **Va. Administrative Dispute Resolution Council**

### **Minutes**

December 16, 2003 Meeting

Richmond, Virginia

**Present:** Sheryl D. Bailey, Deputy Secretary of Administration; Al Bridger; Raymond E. Davis; Claudia T. Farr; Kathy Fischer; James W. Fisher; Gail Jaspen; Larry Jones; Stephen Marzolf; Seward McGhee; William E. Price; Paul Prissel; Mark Rubin; Ernest Spratley; Brenda F. Weiss

Sheryl Bailey, Deputy Secretary of Administration, called the meeting to order at approximately 10:00 a.m. Council Subcommittees and others gave the following reports:

**Training and Education Subcommittee (Al Bridger):** On December 8, 2003, Paul Prissel, Al Bridger, Carol Mitchell, Kelley Hellams, Barbara Newlin, and Mark Rubin gave two 90-minute presentations at the DGS Procurement Conference on the use of ADR in soliciting bids and contracting with state business partners. The session was well-attended and participants seemed interested in learning the specifics of getting started with procurement ADR at their agencies. It was the general consensus of the Council that standard ADR clauses for procurement and contracting be developed by a team of representatives from DGS, VITA, and the Office of the Attorney General. Identifying appropriate neutrals would also be important to furthering the effort to incorporate ADR into the state's procurement process.

**Data Collection and Analysis Subcommittee (Bill Price):** A draft resource inventory was finalized and forwarded to Claudia Farr, and a final version was emailed on November 21, 2003 to agency DRCs. The Subcommittee will coordinate with Claudia Farr on collating and analyzing the completed inventory submissions. Subcommittee members have also contacted DGS about the process needed to issue an RFP to private ADR providers.

Also, Kathy Fischer contacted ADR coordinators from other states about their RFPs and criteria for locating mediators and neutrals, and was referred back to Virginia's Supreme Court database of mediators certified to mediate cases filed in Virginia state courts. Kathy contacted Geetha Ravindra of the Virginia Supreme Court and obtained copies of their RFP, selection and certification criteria. Ms. Ravindra indicated that state agencies would be welcome to use the Supreme Court database to help locate mediators. It was the general consensus of the group that the Council should explore this resource further, along with other possible resources, and if possible customize them to fit state agency needs under VADRA. Bill Price indicated he would set up meetings with Claudia Farr and Joe Damico of DGS to pursue these options.

**Agency Policies and Resource Inventories (Claudia Farr):** A little under half of the agency submissions due December 19, 2003 have been completed and returned at this

point. Claudia Farr will forward information to Sheryl Bailey for follow up with any agencies that have not submitted a policy or inventory by the 19<sup>th</sup>.

**Website (Paul Prissel and Steve Marzolf):** VITA has offered to provide the Council with basic informational web site services at no charge. It was agreed to use the URL of [www.vadra.virginia.gov](http://www.vadra.virginia.gov). The Council's site could also benefit from having links to existing resources (e.g., PCI, the Virginia Supreme Court, eVA) as opposed to duplicating those resources and/or functions. Paul Prissel will email all Council members for their input regarding (i) potential links to include (as well as needed sublinks) and (ii) potential uses of the website (e.g, promoting ADR use in government, informing our audiences about VADRA and the Council's activities, collecting/reporting data, finding neutrals, etc.). Paul Prissel will contact Janice Buie for assistance in creating the email announcement to agency heads and DRCs introducing them to the new website. Gail Jaspen, in coordination with VITA graphics staff, will develop some VADRA logo ideas to email to Council members for their input and selection.

**Policy and Implementation Subcommittee (Gail Jaspen):** Recommendations on coaching teams and the selection of pilots were provided. It was recommended that three to four two-person coaching teams be available to serve as consultants to up to six to eight agencies interested in piloting an ADR program. Each coaching team would provide no more than a combined 12-15 hours over the course of twelve months to each agency requesting their guidance, and could be comprised of a Council member and an outside expert from the private sector. Approximately three to four Council members have expressed an interest in coaching. So far, approximately three to four private sector experts have also expressed a willingness to assist on a pro bono basis.

To identify potential pilots, agency resource inventories will be reviewed by the Data Collection and Analysis Subcommittee. Claudia Farr will also email all DRCs asking for pilot nominations. Council members should also review the agencies in their Secretariats for possible pilot opportunities. After reviewing the potential pilots so identified, VADRA's ad hoc executive group (Subcommittee chairs and Claudia Farr) will recommend a limited number of pilots, with alternates, to the full Council at a late March/early April meeting to be scheduled. The executive group's recommendations will be emailed to Council members approximately three weeks in advance of the meeting.

Annual coaching team commitments would probably run roughly from spring to spring. The Policy and Implementation Subcommittee will draft a simple, informal agreement or fact sheet listing the roles and responsibilities of coaching teams and agency staff, emphasizing that coaching teams will provide guidance and a sounding board to agency staff, who in turn will be responsible for the actual development and implementation of the ADR pilot.

The meeting was adjourned at approximately 11 a.m.